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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/854,315

05/10/2001

Sally J. Blaine

USC. P. US0012

7830

26360

7590

01/21/2004

RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
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FIRST NATIONAL TOWER
AKRON, OH 44308

EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,315

Applicant(s)

BLAINE ET AL.

Examiner

Umakant K. Rajguru

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 12-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. A response has been filed on October 14, 2003.
2. Claims being examined are 1-11 and 29.
3. Applicants' election of group I, claims 1 –11 with traverse is noted. Traversal is based on reasoning that extrusion of composition into a free-standing sheet is not possible. This reasoning is not persuasive since the extruded material; though not in the form of a freestanding sheet can still be applied to a suitable surface.

Restriction is therefore proper and is now made final

4. Rejection of claim 2 (see item of prior office action of July 22, 2003) is now withdrawn.

Also withdrawn is the rejection of claim 1 under 35 USC 102(b) (item 6 of same office action).

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1, 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (US 4548967)
7. Claims 2, 3, and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (US 4548967) as applied to claim1 above, and further in view of Blaine et al (US 5494702) and Ungefug et al (US 5939496).

Please see same office action for these rejections.

8. Applicant's arguments filed October 14, 2003 have been fully considered but they are not persuasive.

Applicants' argument that "Brown need at least 16% by wt of saccharide ' is true but not persuasive to obviate cited rejection/s. The amount of 16% by wt taught by Brown does read on the claimed maximum amount. (of 16% by wt) of saccharide. Additionally Brown teaches a composition containing (a maximum of) 30% by wt of polyvinylpyrrolidone and (a minimum of) 16% by saccharide. Amount of polyvinylpyrrolidone falls within the instantly claimed range of 2 to 50% by wt. Amount of saccharide is very close to the claimed maximum amount viz say 15.999% (i.e. less than 16%). It is within the

OK expertise of one of ordinary skill to ~~vary~~ the amount over a small range to produce a desired product. This applies to the molecular wt of less than 50,000 grams/mole taught by Brown which can be varied to the ^{claimed} ~~claimed~~ one of 200,000 to 500,000.

Blaine is a secondary reference, relied upon its teaching of use of glycerine as a plasticizer irrespective of Blaine's disclosure of use of polyvinyl alcohol. Contrary to what the applicants conclude, there is no hindsight in combining Blaine & Ungefug with Brown. It is the examiners position that when glycerine and surfactant (of Blaine) as well as polyacrylate (of Ungefug) work well with one or more polymers, they should work equally well with polyvinylpyrrolidone (of Brown) unless proved otherwise.

9. Claim 29 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310/13

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


U.K. Rajguru/a
January 2, 2004


RABON SERGENT
PRIMARY EXAMINER